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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,195	07/22/2003	Philip W. Dalrymple III	MDTI 200001US01	7713

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FAY SHARPE LLP
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EXAMINER
NGUYEN, VAN H

ART UNIT	PAPER NUMBER
2196	

MAIL DATE	DELIVERY MODE
01/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10/22/2010*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5 and 8-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,2,4,5 and 8-29* is/are rejected.

7) ☐ Claim(s) *3* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to the amendment filed 10/22/2010.

Claims 1-5 and 8-29 are pending in this application.

Claim Rejections - 35 USC § 102

2.   The text of those sections of Title 35, U.S. Code not included in this action can be found
in a prior Office action.

Claims 1, 2, 4, 5 and 8-29 are rejected under 35 U.S.C. 102(e) as being anticipated by
West et al. (US 20020140738 A1).

The West reference was previously cited by the Examiner.

As to independent claims 11,17, 21, 24, and 26:

West teaches a storage medium encoding instructions which when executed on a
computer perform a method for controlling an instance of an event driven application
program [see the Abstract], the method comprising:

monitoring an event queue to detect a selected event associated with the application

program instance; and responsive to detecting the selected event, generating a control

event and inserting the control event into the event queue, wherein response of the

application program instance to the inserted control event affects execution of the

application program instance [paragraphs: 0020-0027 and 0045-0049].

As to dependent claims 1, 2, 4, 5, 8-10, 12-16, 18-20, 22, 23, 25, and 27-29:

West teaches the limitations as recited in the claims (see Figs.2-5 and the associated text).

Allowable Subject Matter

3.   Claim 3 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base

claim, subject to the results of a final search by the Examiner.

Response to Arguments

4.   Applicant's arguments filed 10/22/2010 have been fully considered but they are not

persuasive.

Applicant argued in substance that West does not disclose responding to the selected

event by generating a control event and inserting the control event into the event queue,

wherein response of the application program instance to the inserted control event affects

execution of the application program instance.

In response, West's teaching "the system monitors a current event on its event queue, and

determines whether the current event, e.g., a user action or a message sent from another

processing device is an application event... an application event can be one of an

application create event (i.e., the view is opened) or an application destroy event (i.e., the

view is closed)... If the event is an application event (step 110), the method determines if

the application event is a create event or a destroy event (step 120). If it is create event

(i.e. a previously closed application is invoked to create a view), a create container

function is invoked (step 130). The create container function reads one or more policies

from a properties file 145, and then integrates the policies into a container for the

application...The method then returns to the event queue 100. If the application event is a

destroy event, the application is destroyed (i.e. the view is closed), the policies for the

application are de-applied (step 160), and a new menu/tool bar is created (or

instantiated) based upon the policies of the active applications (i.e. those corresponding

to the remaining open views, taking into account which view is in focus). After the

instantiation, the method returns control to the event queue 100" [paragraphs: 0020-

0021] covers the limitations as claims.

Applicant argued in substance that West does not disclose the control program

generating a control event that is detected and acted upon by the application program to

cause the application program to perform a selected operation.

In response, West's teaching "If the event is an application event (step 110), the method

determines if the application event is a create event or a destroy event (step 120). If it is

create event (i.e. a previously closed application is invoked to create a view), a create

container function is invoked (step 130). The create container function reads one or

more policies from a properties file 145, and then integrates the policies into a container

for the application…The method then returns to the event queue 100. If the application

event is a destroy event, the application is destroyed (i.e. the view is closed), the policies

for the application are de-applied (step 160), and a new menu/tool bar is created (or

instantiated) based upon the policies of the active applications (i.e. those corresponding

to the remaining open views, taking into account which view is in focus). After the

instantiation, the method returns control to the event queue 100" [paragraphs: 0020-

0021] reads-on the limitations as claims.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

Contact Information

5.   Any inquiry or a general nature or relating to the status of this application should

be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM-6:00PM. The examiner can also be reached on alternative Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EMERSON PUENTE can be reached at (571) 272-3652.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN H NGUYEN/
Primary Examiner, Art Unit 2194